

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RALPH BAKER,

Plaintiff,

-against-

FREDERICK ELGHANAYAN,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/29/2020

20-CV-9026 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff, proceeding *pro se*, has filed this action by order to show cause, requesting preliminary injunctive relief. Plaintiff seeks to stay an eviction from a storage unit in Queens.

To obtain preliminary injunctive relief, Plaintiff must show: (1) that the is likely to suffer irreparable harm, and (2) either (A) a likelihood of success on the merits of his case or (B) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in his favor. *See UBS Fin. Servs., Inc. v. W.V. Univ. Hosps., Inc.*, 660 F.3d 643, 648 (2d Cir. 2011) (citation and internal quotation marks omitted); *Wright v. Giuliani*, 230 F.3d 543, 547 (2000). Preliminary injunctive relief “is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Moore v. Consol. Edison Co. of N.Y., Inc.*, 409 F.3d 506, 510 (2d Cir. 2005) (internal quotation marks and citation omitted).

Plaintiff’s complaint does not specify the basis for the Court’s jurisdiction, (ECF 1 ¶ I), and the facts alleged do not suggest that this Court has subject matter jurisdiction over this dispute under either its federal question jurisdiction or its diversity jurisdiction, *see* 28 U.S.C. §§ 1331, 1332. For this reason, the Court must deny Plaintiff’s application for injunctive relief. The Court will issue a more detailed order at a later date.

In light of the current global health crisis, parties proceeding pro se are encouraged to submit all filings by email to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). Instructions for filing by email are located at <https://nysd.uscourts.gov/forms/instructions-filing-documents-email>. Pro se parties also are encouraged to consent to receive all court documents electronically. A [consent to electronic service form](#) is [attached to this order and/or is] available on the Court's website. Pro se parties who are unable to use email may submit documents by regular mail or in person at a drop box at one of the designated courthouse locations in Manhattan ([500 Pearl Street](#)) or White Plains ([300 Quarropas Street](#)). For more information, including instructions on this new email service for pro se parties, please visit the Court's website at [nysd.uscourts.gov](https://nysd.uscourts.gov).

Plaintiff may wish to consider contacting the New York Legal Assistance Group's (NYLAG) Legal Clinic for Pro Se Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this Court. They may be able to help Plaintiff deal with this dispute. A copy of the flyer with details of the clinic is attached to this order. The clinic is currently **only** available by telephone.


### **CONCLUSION**

Plaintiffs' request for an order to show cause (ECF No. 2) is denied. The Clerk of Court is directed to mail a copy of this order to Plaintiff, noting service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 29, 2020  
New York, New York



Vernon S. Broderick  
United States District Judge

# **Notice For** **Pro Se Litigants**

**As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.**

**Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.**

**If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.**

**Please be patient because our responses to your messages may be delayed while we transition to phone appointments.**

